



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1993

Ms. Tamara Armstrong
Assistant County Attorney
Travis County Courthouse
P.O. Box 1748
Austin, Texas 78767

OR93-083

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 17109.

The Travis County Sheriff's Department (the "department") has received a request for information relating to a certain application for employment. The requestor, who was an applicant for the position of corrections officer, seeks "information giving the reason for my rejection." You claim that the requested information is excepted from required public disclosure under former sections 3(a)(1) and 3(a)(8) of the Open Records Act (now found at sections 552.101 and 552.108, respectively, of the Government Code).

Section 552.108 excepts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . .
[and]
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement

¹The Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)).

We have considered your arguments and have examined the documents submitted to us for review. We conclude that you have demonstrated that release of the requested information would unduly interfere with law enforcement. Accordingly, the department may withhold the requested information under section 552.108 of the Government Code at this time.² As we resolve this matter under section 552.108, we need not address the applicability of section 552.101.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,


Rebecca L. Payne
Section Chief
Open Government Section

RLP/GCK/mc

Ref.: ID# 17109

cc: Mr. Michael K. Thompson
12166 Metric Boulevard, # 113
Austin, Texas 78758

²We note that because the passage of time may diminish the law enforcement interest in withholding this information from the public, the department must request another open records decision from this office if it receives a subsequent request for these records.